

**DEPARTMENT OF PSYCHOLOGY**  
**Tripler Army Medical Center**  
**Due Process Policy for Post Doctoral Psychology Fellows**  
***GRIEVANCE AND DUE PROCESS GUIDELINES AND PROCEDURES***

In this document, we begin with a discussion of the training program, with particular emphasis on responsibilities and expectations of the fellows. This is followed by a discussion of principles that guide the due process procedure. This information is provided in an effort to set the stage for a description of the two aspects of our due process guidelines and procedures: (1) grievance procedures by faculty, including supervisory actions, remediation strategies, and the filing of formal grievances; and (2) grievance procedures by fellows. Steps that fellows can take to challenge the aforementioned supervisory actions are outlined.

**AFTER YOU REVIEW THIS DOCUMENT IN DETAIL, AND HAVE YOUR QUESTIONS ANSWERED BY THE POSTDOCTORAL FELLOWSHIP TRAINING DIRECTOR, YOU WILL BE ASKED TO SIGN A FORM INDICATING THAT YOU HAVE READ THIS DOCUMENT AND THAT YOU AGREE WITH ITS CONTENTS.**

**Responsibilities**

In accordance with these goals, the training program assumes a number of general responsibilities as described below.

- The training program will provide fellows with information regarding relevant professional standards and guidelines, as well as offer appropriate forums to discuss the implementation of such standards
- The training program will provide fellows with information regarding relevant legal regulations that govern the practice of psychology, as well as offer appropriate forums to discuss the implementation of such regulations.
- The training program faculty will continuously provide informal verbal feedback to the fellow in an ongoing fashion (formative feedback).
- The training program faculty will provide written evaluations of the fellow's progress at six-month intervals. Feedback from the assessments will facilitate fellows' change and growth as professionals, by acknowledging strengths and identifying performance or conduct areas that need improvement. Evaluations will address the fellows' knowledge, skills, and attitudes as related to each of the competency domains. These written evaluations will be shared with the fellow in a meeting, and recommendations for continued improvement will be discussed. In the meetings, differences between fellows' and supervisors' appraisals are expected to surface, and in most cases will be resolved. After meeting, the supervisor and the fellow will sign the written evaluation and forward it to the Specialty Fellowship Director. Following the six-month evaluation, the fellow, the primary supervisors, and the Specialty Fellowship Director will meet to review progress, address areas of concern, and make modifications to better meet the fellow's training needs and the training program's requirements.
- In accepting the above responsibilities, the training program will provide

appropriate mechanisms by which behavior that negatively affects professional functioning is brought to the attention of the fellow. The training program also will maintain procedures, including grievance and due process guidelines, to address and remediate perceived problems as they relate to professional standards, professional competency and/or professional functioning. At the beginning of the training year, all postdoctoral fellows will be provided with these Due Process Guidelines, which describe the process that will be followed in the event of a grievance.

### **Rights of Fellows**

Fellows have the following rights.

- The right to be trained by professionals who behave in accordance with the APA ethical guidelines.
- The right to be treated with professional respect, that recognizes the training and experience the fellow brings with him/her.
- The right to ongoing evaluation that is specific, respectful, and pertinent.
- The right to engage in an ongoing evaluation of the training program experience.
- The right to initiate an informal resolution of problems that might arise in the training experience (supervision assignments, etc.) through discussion with the faculty member concerned and/or to the Specialty Fellowship Director.
- The right to due process and appeal.
- The right to respect for one's personal privacy.

### **Expectations of Fellows**

The following are the training program's expectations for the fellows.

- Prior to the initiation of the postdoctoral fellowship training year, fellows are expected to have attained the minimal standards of competence.
- Postdoctoral fellows will review a competency-based contract and/or Initial Postdoctoral Fellowship Training Plan in collaboration with their Special Fellowship Director at the beginning of the training year. This competency-based contract outlines the direct service (psychological assessment, intervention, and consultation), scientific foundations and research, supervision, and professional development expectations for the fellow. Within each of the competency domains, attention is paid to knowledge of and conformity to relevant ethical and legal considerations, and professional standards, as well as sensitivity to diversity. This training plan also outlines training expectations in terms of participation in supervision and seminars.
- Fellows are expected to make adequate progress in each of these competency domains in training as specified in their fellowship contract and as assessed by periodic evaluations.
- Within the field of psychology, interpersonal competence is critically important. As such, within a developmental framework, and with due regard for the inherent power difference between students and faculty, fellows are expected to demonstrate sufficient: (a) interpersonal and professional competence (e.g., the

ways in which student-trainees relate to clients, peers, faculty, allied professionals, the public, and individuals from diverse backgrounds or histories); (b) self-awareness, self-reflection, and self-evaluation (e.g., knowledge of the content and potential impact of one's own beliefs and values on clients, peers, faculty, allied professionals, the public, and individuals from diverse backgrounds or histories); (c) openness to processes of supervision (e.g., the ability and willingness to explore issues that either interfere with the appropriate provision of care or impede professional development or functioning); and (d) resolution of issues or problems that interfere with professional development or functioning in a satisfactory manner (e.g., by responding constructively to feedback from supervisors or program faculty; by the successful completion of remediation plans; by participating in personal therapy in order to resolve issues or problems).

- Upon successful completion of the fellowship, the fellow is expected to be able to function independently as a psychologist in his/her specialty.
- Fellows are expected to be cognizant of and abide by the guidelines as stated in the APA Ethical Principles of Psychologists and Code of Conduct; Standards for Providers of Psychological Services; Specialty Guidelines; Guidelines on Multicultural Education, Training, Research, Practice, and Organizational Change for Psychologists; Guidelines for Psychotherapy with Lesbian, Gay, and Bisexual Clients, and any other relevant professional documents or standards that address psychologists' ethical, personal or legal responsibilities.
- Fellows must be cognizant of and abide by the laws and regulations governing the practice of psychology as included in appropriate legal documents.
- It is recognized by the training program that mere knowledge of and exposure to the above guidelines and standards are not sufficient. Fellows need to demonstrate the ability to integrate relevant professional standards into their own repertoire of professional and personal behavior, as well as a capacity for ethical decision-making. Examples of such integration include a demonstrated awareness of ethical issues when they arise in work with clients, appropriate decision-making in other ethical situations, and awareness of ethical considerations in their own and other's professional work.
- Finally, it is recognized by the training program that there is a relation between level of personal functioning and effectiveness as a professional psychologist. Fellows are expected to function at a personal level that allows them to meet all professional, legal, and ethical expectations. When fellows are experiencing personal difficulties that they are aware are interfering with their professional competence, they are expected to inform their supervisors and the Specialty Fellowship Director in a timely fashion.

### Due Process:

This document outlines the institutional due process policies and procedures at Tripler Army Medical Center (TAMC) for academic or other disciplinary actions taken against psychology fellows that could result in dismissal or other actions that could significantly threaten a fellow's career development. These procedures are intended to describe a

fair and reasonable sequence of corrective actions that are timely as well as emphasize due process and documentation of all actions. The procedures discuss the following actions: suspension, remediation, probation, and dismissal.

Fellows will be kept fully informed at each step of program level remediation or probation. A fellow's refusal to acknowledge receipt of written remediation recommendations during any process prescribed herein will be recorded in writing but will not result in a delay of any recommended action or proceeding.

#### Documentation

All remedial actions must be based upon thorough written documentation. This begins with initial counseling followed by written performance evaluations and periodic statements by the Specialty Fellowship Director and faculty concerning the success of the fellow in achieving designated milestones in professional development.

Assessment of the fellow's performance should consider the progressive development under supervision of the knowledge, skills, attitudes, and behaviors required for safe, effective and compassionate patient care commensurate with the fellow's level of advancement and responsibility.

When progress is below expectations, the Specialty Fellowship Director must assess:

- The adequacy of the clinical and learning experience.
- The adequacy of supervision.
- The adequacy of the fellow's personal learning program for professional growth with guidance from the teaching staff.
- The fellow's full participation in the educational and scholarly activities of the program.

#### Remedial Action

There must be a written plan for any remedial action, which includes objective criteria by which improvement can be judged. Fellows may be considered for program level remediation or probation based upon any of the following:

- Failure to meet academic or technical performance standards or objectives of the training program.
- Lack of application, to include but not limited to absences, tardiness, and/or failure to perform clinical duties in a timely or adequate fashion.
- Conduct considered unprofessional by the Program Director that affects Department of Psychology or the course of training.

- Failure to meet professional or administrative responsibilities, such as those prescribing weight, physical fitness, licensure or other requirements (uniformed fellows only).
- An incident of gross negligence or willful misconduct, including a violation of the Uniformed Code of Military Justice (UCMJ). This applies to uniformed fellows only.

### Suspension

Fellows alleged to have committed acts of gross negligence or willful misconduct will be referred immediately to the appropriate authorities for summary action and may be suspended pending investigation and resolution of all allegations. The length of suspension will be determined by the time required to investigate/adjudicate the trainee's conduct.

The Specialty Fellowship Director in consultation with the Department of Psychology Chief, Education and Training Branch and the Department of Psychology Faculty Committee will determine the clinical and administrative activities that the fellow is suspended from, provide the fellow with a written notification of the suspension and accompanying restrictions, and inform (through the Dept., C. of Education and Training Branch) the Director of Medical Education immediately of the action(s) taken. The period of suspension will end when the Specialty Fellowship Director decides to either reinstate the trainee (without restrictions) or refer the situation to the Dept of Psychology Training Faculty Committee for further action or recommendations.

### Remediation

This program level action allows for correction of deficiencies without probation. The Specialty Fellowship Director (thru the Dept, C. of Education and Training Branch) will provide written notification to the Director of Medical Education prior to initiating this action and coordinate the terms and conditions of the remediation with the Department Psychology Faculty Training Committee and . Dept., C. of Education and Training Branch). A remediation period may not be less than six weeks (???) nor be extended or repeated without prior discussion with the Director of Medical Education. In general, program level remediation precedes formal academic probation except in cases of gross negligence or willful misconduct as judged by the Fellowship Director.

The Department of Psychology Faculty Training Committee will provide the fellow with a clear written remediation plan to include the following:

- Description of specific deficiencies in required competencies and previous efforts (counseling) to remediate or correct them.
- Methods and resources to be used to improve the noted deficiencies.
- List of objective goals and measures, which must be achieved to successfully complete remediation.

- Restrictions or conditions placed on the fellow during the remediation period.
- Time frame for documentation of improvement, not less than six weeks.
- Consequences of not remediating the deficiencies in the allotted time.

The Specialty Fellowship Director and Dept, Chief of Education and Training Branch will ensure that the fellow understands the deficiencies, the requirements for improvement and is offered counseling and assistance to rectify the stated deficiencies. The fellow will be offered the opportunity to sign a statement acknowledging program level remediation. The signed statement will be maintained in the fellow's training file. The Specialty Fellowship Director may designate an advisor to assist the fellow during remediation. Preceptors will continue to provide weekly written performance evaluations to fellows.

### **Probation**

The Fellowship Director may propose probation after a period of remediation or after a single incident of gross negligence or willful misconduct. Probation is a period of supervision initiated to assist the fellow in understanding and correcting significant deficits in knowledge, skills or attitudes and behaviors. Probation recommendations will be approved by the Department Faculty Training Committee and may not be less than a period of six weeks. The Department of Psychology Faculty Training Committee must also approve the removal of a fellow from probation. There must be a quorum consisting of 50% or more of the members. Approvals will be determined by a simple majority vote of the members present. Outcomes of probation include return to full training status, **withdrawal or dismissal**.

The proposal for probation may be based upon one or more of the following:

- Documented failure to meet academic or technical performance standards of the program.
- Lack of application of the fellow's knowledge or skills.
- Unprofessional conduct.
- Documented failure to correct deficiencies despite remediation.
- Documented regression or failure to progress despite remediation.
- Disciplinary problems.
- Substance abuse.
- Failure to maintain a valid unrestricted psychologist license ( Military Only).

- An incident of gross negligence or willful misconduct.
- Other circumstances deemed significant by the Specialty Fellowship Director.

In order for a fellow to be placed on probation, the Specialty Fellowship Director must notify the fellow in writing that a proposal for probation is being considered. The notification must include specific reasons for the proposed action and a copy of the Psychology Fellowship policy on due process. The fellow will be given a minimum of three working days to submit a written response and meet with the Specialty Fellowship Director. The fellow will indicate whether s/he accepts the proposed probation. A record of the notification including a requested signed acknowledgment of receipt and a copy of the proposed probation will be maintained in the fellow's training file along with a record of the fellow's acceptance or disagreement with the proposed probation. Copies of these records will also be given to the Director of Medical Education.

A hearing to address a probation request must be held in at least three working days after the fellow is notified of the decision to refer the matter for a hearing. The fellow may request to address the Department of Psychology Faculty Training Committee if s/he disagrees with the Specialty Fellowship Director's recommendation for probation. The Department of Psychology Faculty Training Committee will meet with the fellow to discuss the proposal and to advise the fellow of his/her right to due process under this policy. At this meeting, the fellow may provide verbal and/or written feedback. The decision on the recommendation for probation will be determined by vote. For the action to be approved, greater than 50% of the Department of Psychology Faculty Training Committee present must vote in favor of probation. The fellow will leave the room during the deliberations and voting. A written summary of the probation hearing will be provided to the Director of Medical Education.

The Specialty Fellowship Director will notify the fellow in writing within two working days of the Fellowship Committee's decision. If the decision is to place the fellow on probation, the notification will also include the fellow's right to appeal the decision to the Director of Medical Education within three working days following the date the fellow receives the notification. The fellow will be requested to sign and date the notification to acknowledge receipt. A copy of this notification and acknowledgment will be maintained in the fellow's training file. If the Department Psychology Faculty Training Committee votes to deny the recommendation, the Specialty Fellowship Director will notify the fellow of the committee's decision verbally and will provide written notification to the Director of Medical Education.

The fellow may submit a one-time appeal of the probation decision through the Specialty Fellowship Director to the Director of Medical Education. The Director of Medical Education will consider the fellow's written appeal, the Specialty Fellowship Director's probation request, and documentation of the Department of Psychology Faculty Training Committee and probation decision. Written notification of the decision regarding an appeal of probation will be provided to the fellow within two working days

following receipt of the fellow's appeal. The decision by the Director of Medical Education is final and may not be appealed any further through academic channels.

The Specialty Fellowship Director and Dept. Chief, Education and Training Branch will counsel the fellow on the terms and conditions of the probation. This session must be documented and an acknowledgment signed by the fellow. The Dept Training Faculty Committee will assign a faculty advisor to assist the fellow in the improvement plan.

If appropriate, voluntary medical, psychological, or learning disability evaluations may be offered to the fellow, at no cost to the fellow during the probation period provided they are authorized beneficiaries of the military health care system.

Requests for medical evaluation outside the institution will be reviewed on a case-by-case basis and honored on the basis of the merits of the request. The fellow will be responsible for all costs associated with outside medical evaluations.

The Specialty Fellowship Director will submit a monthly written report to the Department Faculty Committee regarding the fellow's performance during probation. A copy of this report will be provided to the Director of Medical Education and to the probated fellow no later than three working days prior to the next scheduled meeting of the Department of Psychology Faculty Committee. The fellow will be requested to sign the report acknowledging receipt and may submit written statements to the Fellowship Committee on his/her behalf.

### **Completion of Probation**

Probation may be ended under several conditions:

- The Fellowship Committee may determine the fellow's performance has improved and now meets the standard requirements to successfully complete the fellowship. The fellow will return to full academic standing.
- The fellow may voluntarily resign from the program. The fellow shall submit a written request to the Specialty Fellowship Director and Dept Chief, Education and Training Branch to withdraw from the training program. The resignation request will acknowledge that by resigning from training, the fellow is making herself or himself available for immediate reassignment orders to meet the Army's needs. Civilian trainees will be released unconditionally.

The fellow is dismissed from the program.

### **Dismissal**

Fellows may be dismissed only after a period of formal probation or after a single incident of gross negligence or willful misconduct. A recommendation for dismissal must be based upon one of the following:



- Failure to satisfactorily progress toward correction of deficiencies while on probation.
- Regression or failure to satisfactorily progress after removal from probation.
- Any act of gross negligence or willful misconduct. This can include a pattern of past performance or a single act. Under these circumstances, the fellow may be placed on administrative duties and removed from patient care responsibilities until resolution of the dismissal process. Dismissal under these circumstances may require notification of the appropriate credentialing authority.

In order for a fellow to be dismissed from training, the Specialty Fellowship Director and/or Dept Chief, Education and Training Branch must notify the fellow in writing. The notification must include specific reasons for the proposed action and a copy of the Psychology Fellowship policy on due process. The fellow will be given a minimum of three working days to submit a written response and meet with the Specialty Fellowship Director and Dept. C., Education and Training Branch. A record of the notification including a signed acknowledgment of receipt of a copy of the dismissal request and the fellow's response must be maintained in the fellow's training file. Copies will also be provided to the Director of Medical Education.

A hearing to address a dismissal request must be held in at least five working days after the fellow is notified of the decision to refer the matter for a hearing. Recommendations for dismissal will be approved by the Department of Psychology Faculty Committee. The fellow may ask to address the Department of Psychology Faculty Committee if s/he disagrees with the Specialty Fellowship Director's recommendation for dismissal. The Fellowship Committee Department Faculty Committee will meet with the fellow to discuss the proposal and to advise the fellow of his/her right to due process under this policy. At this meeting, the fellow may provide verbal and/or written feedback. The decision on the recommendation for dismissal will be determined by vote. There must be a quorum consisting of 75% or more of the committee members present. Approvals to dismiss a fellow require at least a two-thirds vote of the members present. The fellow will leave the room during the deliberations and voting. A written summary of the dismissal hearing will be provided to the Director of Medical Education.

The Specialty Fellowship Director will notify the fellow in writing within two working days of the Fellowship Committee's decision. If the decision is to dismiss the fellow, the notification will also include the fellow's right to appeal the decision to the Director of Medical Education within three working days following the date the fellow receives the notification. The fellow will be requested to sign and date the notification to acknowledge receipt. A copy of this notification and acknowledgment will be maintained in the fellow's training file. If the Department Faculty Committee votes to deny the recommendation, the program director will notify the fellow of the committee's decision verbally and will provide written notification to the Director of Medical Education.

#### Dismissal Appeal Procedures

Upon receipt of an appeal from a psychology fellow who has been recommended for dismissal, the Director of Medical Education will convene an appeals board and conduct a hearing to review the fellow's dismissal and appeal. A hearing to address an appeal of a dismissal must be held in at least five working days after receipt of the fellow's written appeal. The appeals board shall consist of the Director of Medical Education and two other graduate professional health education program directors or associate program directors from Tripler. The proceedings of the appeals board are administrative and are not bound by formal rules of evidence or strict procedural format.

The Fellowship Director will notify the fellow of the date, time, and location of the hearing. The Specialty Fellowship Director must be present for the hearing to present the reasons for dismissal and address questions from the board members.

The fellow will be given the opportunity to appear before the appeals board. The appeals board will consider the fellow's supporting documentation and all information received at the hearing before making a decision. If the fellow asks to be present at the hearing but cannot attend the hearing as scheduled, a reasonable attempt will be made to reschedule the meeting without causing undue delay in the proceedings. If this is not possible, the appeals board may proceed in the absence of the fellow after formally documenting the circumstances and the necessity for proceeding in a timely manner.

Fellows have the following rights during the appeals board proceedings:

- The right to waive the hearing.
- The right to hear the reasons for dismissal as put forth by the Specialty Fellowship Director. The fellow and any accompanying attorney may be present when the Fellowship Director and any other supporting witnesses address the board.
- The right to review all documents before the board.
- The right to secure a military or a civilian legal adviser (civilian legal advisers will be at the fellow's expense). The legal adviser may not ask questions or make arguments, but the fellow may consult the legal adviser.
- The right to respond orally and/or in writing to the statements of the Fellowship Director. Fellows will be allowed to make statements to the board after completion of the Fellowship Director's presentation.
- The right to request witnesses to speak on their behalf or to submit statements from witnesses. Any request will be honored; however, the hearing will not be unreasonably delayed in order to allow their appearance. The witnesses may speak on behalf of the fellow but may not question members of the board. The time allotted for individual comments may not normally exceed 15 minutes.

- If a fellow calls for other fellows to speak on his or her behalf, both the fellow being considered for dismissal and the program director will leave the room while these witnesses present their testimony.
- The fellows have right to submit statements, written documents, or other information on their own behalf and in support of their position, to show why they should not be dismissed from the training program.

The appeals board deliberations and voting will be in closed session. All but the board members and recorder must leave the room. This includes the Specialty Fellowship Director, the fellow, and the fellow's attorney(s).

The decision on the fellow's appeal will be determined by a vote. The Specialty Fellowship Director will not be allowed to vote. For the dismissal action to be upheld, a majority of the appeals board must vote in favor of dismissal.

The Director of Medical Education will notify the fellow in writing within two working days of the board's decision. If the board decides to uphold the fellow's dismissal from training, the notification will also indicate that no further appeals through academic channels may be pursued. The fellow will be requested to sign and date the notification to acknowledge receipt. A copy of this notification and acknowledgment will be maintained in the fellow's training file and in the Directorate of Medical Education and Training.

If the dismissal action is not upheld the fellow shall be reinstated in the fellowship training program and provided with written standards for satisfactory completion and written criteria for dismissal for the remainder of the academic year.

#### Fellow Interviews

Any allegation of substandard academic or unprofessional performance is immediately investigated. If during an interview an individual begins to disclose information that indicates a violation of the Uniform Code of Military Justice (UCMJ) may have occurred, the program director will halt the interview, apprise the individual of his/her rights against self incrimination and immediately contact the proper legal and law enforcement channels. If the individual discloses information the program director determines may constitute a violation of the UCMJ, the incident must be referred to the Director of Medical Education for consideration of further action. Any adverse action that is recommended must afford due process in accordance with this policy.

#### Administrative or Judicial Action

If administrative or judicial action is initiated against a fellow, the Specialty Fellowship Director will evaluate available information to determine if a restriction, suspension, or dismissal action is warranted. The Director of Medical Education must be notified immediately after administrative or judicial action is initiated and when it is completed.

#### Fellow Resignation

Fellows may submit a written request to the Specialty Fellowship Director resigning from the fellowship training program. The resignation request will acknowledge that by resigning from training, the fellow is making him/herself available for immediate reassignment orders to meet the Army's needs (military only).

The request will be forwarded to the Department Faculty Committee with the Specialty Fellowship Director's recommendation, a description of the circumstances of the resignation, and whether or not progress has been satisfactory up until the time of resignation. The Specialty Fellowship Director will indicate the numbers of months of training that have been successfully completed and whether the fellow will be recommended for future graduate professional health education training. The fellow must review the statement by the Specialty Fellowship Director and will be required to sign the statement to acknowledge this review.

The Department Faculty Committee will review the case and decide to approve or disapprove the resignation request.

The Chief, Education and Training Branch will notify the US Army psychology Consultant when the military psychologist is available for assignment. Non-Army military fellows must follow their service requirements. Civilian fellows will be released with notification as indicated in their training or employment agreements. However, their federal employment status remains subject to existing civilian personnel policies and procedures and they will be processed accordingly. The employing agency is responsible for their placement until final disposition is determined.